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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,476	03/24/2006	Shigeru Kashiwagi	SON3114	5401
23353 7590 12/12/2007 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER QUADER, FAZLUL	
			ART UNIT 2169	PAPER NUMBER
			MAIL DATE 12/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/573,476

Applicant(s)

KASHIWAGI ET AL.

Examiner

Fazlul Quader

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 03/24/2006.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-13 are pending in this application.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 12 and 13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 12 is directed to a program (i.e., file managing method program). The preamble recites a program while the body recites data structures and procedure. The claim does not indicate as to how the functionality of the data structure is being realized or if a processor is being used. Therefore claim 12 is a program per se.

Claim 13 is directed to a recording medium. The preamble recites a medium while the body recites data structures and procedure. The claim does not indicate as to how the functionality of the data structure is being realized or if a processor is being used. Therefore claim 13 is a non-functional data structure recorded on a medium.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter et al. (US 20030229637), hereinafter "Baxter" in view of Horn (US 20040177319).

6. As to claim 1, Baxter discloses, a file managing apparatus for managing files recorded on a recording medium by resorting to an index file recorded on said recording medium ([0012]);

wherein said index file is formed by a series of entries constituted by blocks of extract information about said files, said extract information being arranged to correspond with said files ([0100]);

wherein management information which is set for each of said entries and which primarily points to another entry is provided to express a hierarchical structure of said files recorded on said recording medium ([0007]); and

wherein an entry for temporary management is provided under which a file to be deleted is stored temporarily ([0168]);

said file managing apparatus changing the management information which is set for the entry of said file to be deleted and which primarily points to another entry, in such a manner that said management information points to said entry for temporary management ( abstract; [0168]).

Baxter, however, does not explicitly disclose, "temporary management" for storage.

Horn, on the other hand, discloses, "temporary management" for storage (Horn: [0191]).

Both Baxter and Horn are of the same field of endeavor, they specifically teach file management (Baxter: [0001]; Horn: [0188]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Horn into Baxter of method and apparatus for safeguarding files to have a useful method, to create a database storage, organization and retrieval systems. (Horn: [0002], lines 5-6).

7. As to claim 2, Baxter as modified discloses, the file managing apparatus according to claim 1, wherein,

in said index file, said extract information is grouped by attribute into a group of thumbnail images, a group of titles in text, and a group of properties for managing said thumbnail image group and said text group (Baxter: [0100]);

wherein the entries concerning at least the files in said property group are furnished with entry-related management information pointing to the corresponding entries in said thumbnail image group and said text group and with file-related management information pointing to the corresponding files (Baxter: abstract; [0100]; and

wherein said file managing apparatus, when changing said management information primarily pointing to another entry in such a manner as to point to said entry for temporary management, keeps said entry-related management information and said

file-related management information unchanged regardless of the instruction of the deletion (Baxter: abstract; [0168]).

8. As to claim 3, Baxter as modified discloses, the file managing apparatus according to claim 1, wherein a display unit is provided to display said extract information about the entry furnished with said management information which primarily points to another entry (Baxter: [0127]; [0144]-[0145]; [0149]) and which has been changed so as to point to said entry for temporary management (Baxter: [0168]), so that said file managing apparatus may accept processing of the file associated with said entry about which said extract information is displayed (Baxter: [0100]; [0102]).

9. As to claim 4, Baxter as modified discloses, the file managing apparatus according to claim 1, wherein, given an instruction to delete the file associated with the entry furnished with said management information which primarily points to another entry and which has been changed to point to said entry for temporary management, said file managing apparatus deletes the corresponding entry from said index file and the corresponding file from said recording medium (Baxter: [0127]; [0144]-[0145]).

10. As to claim 5, Baxter as modified discloses, the file managing apparatus according to claim 1, wherein, given an instruction to restore the file associated with the entry furnished with said management information which primarily points to another entry and which has been changed to point to said entry for temporary management,

said file managing apparatus establishes said management information primarily pointing to another entry in such a manner as to point to a predetermined entry (Baxter: abstract; claim1)

11. As to claim 6, Baxter as modified discloses, the file managing apparatus according to claim 3, wherein, if said processing of the file associated with said entry about which said extract information is displayed is execution of an instruction to delete said file (Baxter: abstract; [0007]), then said file managing apparatus deletes the corresponding entry from said index file and the corresponding file from said recording medium (Baxter: [0012]).

12. As to claim 7, Baxter as modified discloses, the file managing apparatus according to claim 3, wherein, if said processing of the file associated with said entry about which said extract information is displayed is execution of an instruction to restore said file, then said file managing apparatus establishes said management information primarily pointing to another entry in such a manner as to point to a predetermined entry ([0127]; [0144]-[0145]; [0149]);.

13. As to claim 8, Baxter as modified discloses, the file managing apparatus according to claim 1, wherein said file managing apparatus, when changing said management information primarily pointing to another entry in such a manner as to point to said entry for temporary management, records a date of the change to said



index file ([0047]; [0050]).

14. As to claim 9, Baxter as modified discloses, the file managing apparatus according to claim 8, wherein said file managing apparatus checks said date of said change against the current time of day and, depending on an outcome of the check, deletes the corresponding entry from said index file and the corresponding file from said recording medium ([0050]; [0071]).

15. As to claim 10, Baxter as modified discloses, the file managing apparatus according to claim 1, wherein said file managing apparatus checks said recording medium for a free space and, depending on an outcome of the check, deletes from said index file the entry furnished with said management information which primarily points to another entry and which has been changed to point to said entry for temporary management and also deletes the corresponding file from said recording medium (abstract; [0007]; [0168]).

16. As to claim 11, Baxter discloses, a file managing method for managing files recorded on a recording medium by resorting to an index file recorded on said recording medium ([0012]);

wherein said index file is formed by a series of entries constituted by blocks of extract information about said files, said extract information being arranged to correspond with said files ([0100]);

wherein management information which is set for each of said entries and which primarily points to another entry is provided to express a hierarchical structure of said files recorded on said recording medium ([0007]); and

wherein an entry for temporary management is provided under which a file to be deleted is stored temporarily ([0168]);

said file managing method comprising the step of changing the management information which is set for the entry of said file to be deleted and which primarily points to another entry, in such a manner that said management information points to said entry for temporary management (abstract; [0168]).

Baxter, however, does not explicitly disclose, "temporary managent" for storage.

Horn, on the other hand, discloses, "temporary management" for storage (Horn: [0191]).

Both Baxter and Horn are of the same field of endeavor, they specifically teach file management (Baxter: [0001]; Horn: [0188]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Horn into Baxter of method and apparatus for safeguarding files to have a useful method, to create a database storage, organization and retrieval systems. (Horn: [0002], lines 5-6).

17. As to claim 12, Baxter discloses, a file managing method program for causing a computer to carry out a procedure for managing files recorded on a recording medium by resorting to an index file recorded on said recording medium ([0012]); wherein

said index file is formed by a series of entries constituted by blocks of extract information about said files, said extract information being arranged to correspond with said files ([0100]); wherein management information which is set for each of said entries and which primarily points to another entry is provided to express a hierarchical structure of said files recorded on said recording medium ([0007]); and

wherein an entry for temporary management is provided under which a file to be deleted is stored temporarily; said procedure comprising the step of changing the management information which is set for the entry of said file to be deleted and which

primarily points to another entry, in such a manner that said management information points to said entry for temporary management (abstract; [0168]).

Baxter, however, does not explicitly disclose, "temporary management" for storage.

Horn, on the other hand, discloses, "temporary management" for storage (Horn: [0191]).

Both Baxter and Horn are of the same field of endeavor, they specifically teach file management (Baxter: [0001]; Horn: [0188]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Horn into Baxter of method and apparatus for safeguarding files to have a useful method, to create a database storage, organization and retrieval systems. (Horn: [0002], lines 5-6).

18. As to claim 13, Baxter discloses, a recording medium which records a file managing method program for causing a computer to carry out a procedure for managing files recorded on a recording medium by resorting to an index file recorded on said recording medium ([0012]);

wherein said index file is formed by a series of entries constituted by blocks of extract information about said files, said extract information being arranged to correspond with said files ([0100]);

wherein management information which is set for each of said entries and which primarily points to another entry is provided to express a hierarchical structure of said files recorded on said recording medium ([0007]); and

wherein an entry for temporary management is provided under which a file to be deleted is stored temporarily ([0168]);

said procedure comprising the step of changing the management information which is set for the entry of said file to be deleted and which primarily points to another entry, in such a manner that said management information points to said entry for temporary management (abstract; [0168]).

Baxter, however, does not explicitly disclose, "temporary management" for storage.

Horn, on the other hand, discloses, "temporary management" for storage (Horn: [0191]).

Both Baxter and Horn are of the same field of endeavor, they specifically teach file management (Baxter: [0001]; Horn: [0188]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Horn into Baxter of method and apparatus for safeguarding files to have a useful method, to create a database storage, organization and retrieval systems. (Horn: [0002], lines 5-6).

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ginter et al. (US 20020048369) teach systems and methods for secure transaction management and electronic right protection.

Takiguchi et al. (US 20020032696) teach Intuitive hierarchical time-series data display method and system.

***Contact Information***

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fazlul Quader whose telephone number is 571-270-1905. The examiner can normally be reached on M-F 8-5 Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on 571-272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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FQ



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**PERVISORY PATENT EXAMINER**